

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

Roger Vanderklok

Plaintiff

v.

Civil Action Number 15cv370
Honorable William H. Yohn
United States District Court Judge

UNITED STATES OF AMERICA,

TRANSPORTATION SAFETY ADMINISTRATION (TSA),

CHARLES KIESER (TSA),

CITY OF PHILADELPHIA,

CITY OF PHILADELPHIA POLICE DEPARTMENT,

RAYMOND PINKNEY (PHILADELPHIA POLICE),

DETECTIVE M. WOJCIECHOWSKI (PHILADELPHIA POLICE),

KENNETH FLAVILLE (PHILADELPHIA POLICE),

JEH JOHNSON (DEPARTMENT OF HOMELAND SECURITY),

JOHN S. PISTOLE (TSA)

Defendants.

MOTION TO VACATE ORDER DISMISSING DEFENDANT RAYMOND PINKNEY

AND NOW, comes ROGER VANDERKLOK, the Plaintiff herein, by and through his counsel,

THOMAS MALONE, The Malone Firm LLC, and respectfully sets forth the following:

1. This action was instituted by the filing of a Complaint by Roger Vanderklok on January 23, 2015.

2. On April 20, 2015, this Honorable granted a Motion to Dismiss Pursuant to Fed. R. Civ. Pro. 12(b)(6) that was “unopposed” due to Plaintiff not having received the Motion filed by Defendant Pinkney.

3. Counsel in this matter for Defendant Pinkney, Nicholas Cummins, Esquire, has no objection to the prayer for relief requested herein and concurs in the same, namely that the Plaintiff did not receive his previously filed Motion to Dismiss and has communicated the same to this Honorable Court.

WHEREFORE, the Plaintiff would ask this Honorable Court to VACATE THE ORDER DISMISSING DEFENDANT RAYMOND PINKNEY, entered April 20, 2015.

Respectfully submitted by:

/s/ *Thomas Malone*
Thomas Malone, Esquire
PA. ID No. 77291

The Malone Firm, LLC
1650 Arch Street
Suite 1903
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(215) 987-5200

Counsel for Roger Vanderklok

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Defendants.

ORDER

AND NOW, this _____ day of April, 2015, the Plaintiff's Motion to VACATE THE ORDER DISMISSING DEFENDANT RAYMOND PINKNEY, entered April 20, 2015 is GRANTED.

BY THE COURT:

J.
Honorable William H. Yohn
United States District Court Judge

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Defendants.

CERTIFICATE OF SERVICE

I, THOMAS MALONE, do hereby certify that on this date, a true and correct copy of the Motion to Vacate was electronically filed and is available for viewing and downloading from the ECF system and has been served this date upon all interested counsel.

Respectfully submitted by:

/s/ *Thomas Malone*
Thomas Malone, Esquire
PA. ID No. 77291

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Counsel for Roger Vanderklok